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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,159	12/18/2001	Bartholomeus Johannes Van Rijnsoever	2069.053US1	4620
21186 7590 07/24/2007 SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A. P.O. BOX 2938 MINNEAPOLIS, MN 55402			EXAMINER WYSZYNSKI, AUBREY H	
			ART UNIT 2134	PAPER NUMBER
			MAIL DATE 07/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/023,159

Applicant(s)

VAN RIJNSOEVER,
BARTHOLOMEUS JOHANNES

Examiner

Aubrey H. Wyszynski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/17/07.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/17/07 has been entered.
2. The response of 5/17/07 was received and considered.
3. Claims 16-35 are pending.

Response to Arguments

4. The Applicant argues Jones does not disclose "a set of localizing data that facilitates distinguishing locations of frame header information and frame data." The examiner respectfully disagrees. Jones discloses a hint track in fig. 4 and col. 10, lines 35-50. According to one of ordinary skill in the art at the time the invention was made, a hint track must be used for QuickTime streaming. A hint track must be added alongside the audio and video tracks and tells a server how to package media data for the network. Jones discloses this process in Fig. 3 and cols. 8-10. In particular, Jones discloses in col. 9, lines 28-32, the instructions for the streaming server which include a set of localizing data that facilitates distinguishing locations of frame header information and frame data (media data). Applicant also argues Jones does not disclose

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"distinguishing locations of frame header information". However, Jones discloses distinguishing locations of frame header information in col. 9, lines 28-32 and col. 10, lines 37-41. Jones teaches forming an RTP packet according to a hint track. Jones teaches the RTP packet contains a header and data associated with a media track, as seen in Fig. 4.

Priority

5. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 16-33 rejected under 35 U.S.C. 102(e) as being anticipated by Jones et al., USPN 6,744,763.

Regarding claim 16, Jones discloses a method comprising: processing a plurality of frames (fig. 4, video frames), to provide a stream of packets that includes the plurality of

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frames and a set of localizing data/hint track atom (col. 2, lines 17-20, and col. 22, line 58-col. 23, line 18), that facilitates distinguishing locations of frame header information and frame data of each frame within the stream of packets, and including one or more of the set of localizing data in one or more packets of the stream of packets (fig. 4, & col. 10, lines 35-49).

Regarding claim 17, Jones discloses the method of claim 16, including distinguishing the location of frame data in each frame, based on the localizing data, encrypting the frame data of each frame to provide encrypted frame data, and providing the encrypted frame data as the frame data of each frame within the stream, and providing a second stream of data that includes the frame header information and the encrypted frame data of each frame and localizing data that facilitates distinguishing locations of the frame header information and the encrypted frame data within the stream (col. 12, lines 53-63 & col. 25, lines 10-15).

Regarding claim 18, Jones discloses the method of claim 16, wherein the localizing data facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 12, lines 53-63).

Regarding claim 19, Jones discloses the method of claim 16, wherein the one or more of the localizing data is included in header information of the one or more packets (col. 22, line 58).

Regarding claim 20, Jones discloses the method of claim 16, wherein the stream of packets corresponds to a stream of RTP-packets (col. 12, lines 64-67).

Regarding claim 21, Jones discloses the method of claim 16, wherein each packet of the stream of packets includes at least one of: a partial frame, and one or more full frames (col. 10, lines 44-49).

Regarding claim 22, Jones discloses the method of claim 16, wherein the one or more of the localizing data is included in hint tracks of the stream of packets (col. 12, line 64-67). Also, it is inherent that hint tracks are needed to play streaming QuickTime files.

Regarding claim 23, Jones discloses the method of claim 16, including transmitting the stream of packets to a remote system (col. 9, lines 16-27).

Regarding claim 24, Jones discloses the system comprising: a first buffer that is configured to receive a plurality of frames, a processor that is configured to process the plurality of frames to: create a stream of packets that includes the plurality of frames (fig. 4, video frames), and a set of localizing data/hint track atom (col. 2, lines 17-20, and col. 22, line 58-col. 23, line 18), that facilitates distinguishing locations of frame header information and frame data of each frame within the stream, and include one or

more of the set of localizing data in one or more packets of the stream of packets (fig. 4, & col. 10, lines 35-49).

Regarding claim 25, Jones discloses the system of claim 24, including an encryption module that is configured to: distinguishing the location of frame data in each frame, based on the localizing data, encrypt the frame data of each frame to provide encrypted frame data, and provide a second stream of packets that includes the frame header information and the encrypted frame data of each frame and localizing data that facilitates distinguishing locations of the frame header information and the encrypted frame data within the stream (col. 12, lines 53-63 & col. 25, lines 10-15).

Regarding claim 26, Jones discloses the system of claim 25, wherein the encryption module is configured to transmit the second stream of packets to a remote system (col. 9, lines 16-27).

Regarding claim 27, Jones discloses the system of claim 24, wherein the localizing data facilitates distinguishing encrypted and non-encrypted content of the stream of packets (col. 12, lines 53-63).

Regarding claim 28, Jones discloses the system of claim 24, wherein the one or more of the localizing data is included in header information of the one or more packets (col. 22, line 58).

Regarding claim 29, Jones discloses the system of claim 24, wherein the stream of packets corresponds to a stream of RTP-packets (col. 12, lines 64-67).

Regarding claim 30, Jones discloses the system of claim 24, wherein each packet of the stream of packets includes at least one of: a partial frame, and one or more full frames (col. 10, lines 44-49).

Regarding claim 31, Jones discloses the system of claim 24, wherein the one or more of the localizing data is included in hint tracks of the stream of packets (col. 12, line 64-67).

Regarding claim 32, Jones discloses the system of claim 24, including a transmitting module that is configured to transmit the stream of packets to a remote system (col. 9, lines 16-27).

Regarding claim 33, Jones discloses a system including a receiver (fig. 11) that is configured to receive a stream of packets, and a processor that is configured to process the stream of packets to distinguish frame header information and frame data of a plurality of frames within the stream of packets, based on localizing data/hint track atom (col. 2, lines 17-20, and col. 22, line 58-col. 23, line 18), that is included within the stream of packets (col. 12, line 64-67).

8. Claims 16, 24, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Zhu, U.S. Patent No. 6,357,028.

Regarding claims 16, 24, Zhu discloses a method comprising: processing a plurality of frames to provide a stream of packets that includes the plurality of frames and a set of localizing data/RTP header (fig. 6, #505), that facilitates distinguishing locations of frame header/payload header (fig. 6, #510), information and frame data/payload (fig. 6, #515) of each frame within the stream of packets, and including one or more of the set of localizing data in one or more packets of the stream of packets (col. 6, lines 25-42).

Regarding claim 33, Zhu discloses a receiver that is configured to receive a stream of packets (fig. 7, #205), and a processor that is configured to process the stream of packets to distinguish frame header information and frame data of a plurality of frames within the stream of packets, based on localizing data that is included within the stream of packets (fig. 7, #220-225).

9. Claims 16, 24, and 33 are rejected under 35 U.S.C. 102(e) as being anticipated by Kikuchi et al, U.S. Patent No. 7,010,032.

Regarding claims 16, 24, Kikuchi discloses a method comprising: processing a plurality of frames to provide a stream of packets that includes the plurality of frames and a set

of localizing data/SSRC and CSRC identifiers (fig.5), that facilitates distinguishing locations of frame header/sync layer packet header (fig.5), information and frame data/payload (fig. 5) of each frame within the stream of packets, and including one or more of the set of localizing data in one or more packets of the stream of packets (fig. 6).

Regarding claim 33, Kikuchi discloses a receiver that is configured to receive a stream of packets/RTP receiver (fig. 7, #102), and a processor that is configured to process the stream of packets to distinguish frame header information and frame data of a plurality of frames within the stream of packets, based on localizing data that is included within the stream of packets (fig. 7, #104)

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones as applied to claim 33 above, and further in view of Baker, USPN 6,449,719.

Regarding claim 34, Jones discloses the system of claim 33. However, Jones lacks a decryptor to decrypting the frame data. However, Baker discloses a decryptor that is

configured to: extract the frame data from the stream of packets, based on the localizing data, and decrypt the frame data to provide decrypted frame data (fig. 1, #160 & col. 2, lines 26-34). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Jones with the device of Baker include a decryptor in order to decrypt the stream, as taught by Baker (col. 2, lines 29-30).

Regarding claim 35, Jones as modified by Baker disclose the system of claim 34, including a processor that is configured to process the frame header information (fig. 7, #652) and decrypted frame data to provide content information to a user application (Baker, col. 2, lines 26-34).

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. USPN 6,614,844 to Proehl is cited for disclosing RTP protocol hint tracks.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aubrey H. Wyszynski whose telephone number is (571)272-8155. The examiner can normally be reached on Monday - Thursday, and alternate Friday's.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kambiz Zand can be reached on 5712723811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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